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COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

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ROBERT L. SIMMONS, II, STAFF DIRECTOR

September 25, 2014

Ambassador Susan E. Rice
Assistant to the President for National Security Affairs
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Ambassador Rice:

Earlier this week, the Speaker of the House and President Pro Tempore of the Senate received a letter from the President, consistent with the War Powers Resolution (Public Law 93-148), regarding the deployment of an additional 475 U.S. Armed Forces personnel to Iraq, the provision of military support to the Iraqi security forces and Kurdish Peshmerga, and a campaign of airstrikes against ISIL in Iraq and Syria.

We noted with interest that the President has directed these actions pursuant to both his constitutional and statutory authority, specifically the authority to carry out the 2001 Authorization for Use of Military Force (Public Law 107-40) and the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243). Yet, it was just two months ago today that you sent a letter to the Speaker regarding a resolution introduced by Representative James McGovern, in which you stated, "...we believe a more appropriate and timely action for Congress to take is the repeal of the outdated 2002 Authorization for Use of Military Force in Iraq (P.L. 107-243). With American combat troops having completed their withdrawal from Iraq on December 18, 2011, the Iraq AUMF is no longer used for any U.S. government activities, and the Administration fully supports its repeal. Such a repeal would go much further in giving the American people confidence that ground forces will not be sent into combat in Iraq."

Although we believed at the time that this request was short-sighted and unnecessary, we would like to understand why the Administration has reversed its position. Clearly, the Administration understood the threat from ISIL at the time of your letter. Forces of ISIL rapidly expanded their control of several Iraqi cities and threatened attack on Baghdad in June. These

developments increased U.S. concerns regarding the destabilization of the Iraqi Government and the safety of the U.S. facilities and personnel to such an extent that on June 16, 2014, President Obama notified Congress, consistent with the War Powers Resolution (WPR), that he had deployed combat-equipped troops to Iraq to provide security for U.S. diplomatic personnel and facilities. Moreover, it was a mere two weeks after your letter to the Speaker that the President sent the first notification concerning the use of military force in Iraq.

In light of the circumstances, especially the clear indications that U.S. military force would be required in Iraq, why did the Administration seek so publicly to repeal the 2002 Authorization for Use of Military Force (AUMF)? In putting forward this request to Congress, did you consult with the Chairman of the Joint Chiefs of Staff, the Commander of U.S. Central Command, the Secretary of Defense, or the General Counsel of the Department of Defense? In fact, we could ask a similar question about the President's call last June to repeal the 2001 AUMF.

We find it implausible that the Pentagon would recommend limiting tools available to the Commander in Chief. Therefore, we must conclude that the request was not made on the basis of best military judgment, but rather for political reasons – to give the American people, as you stated, "...confidence that ground forces will not be sent into combat in Iraq."

We are gravely concerned that this dissembling does a disservice to our men and women in uniform and the American people. The President has sent a total of 10 WPR related notifications to Congress for Iraq and Syria to date. Troops are already on the ground, and, today, we learned that the Army will be deploying the 1st Infantry Division Headquarters to Iraq. Americans are being shot at and Americans will have to shoot back. As Secretary Hagel testified before our Committee last week, "Well, anybody...who has ever been in a war zone, and some of you have, know[s] that if you are in a war zone, you are in combat."

Ambassador Rice, we respectfully urge you and the President to speak plainly to the American people. They understand that the United States is back in combat in Iraq. They understand that it's not the same mission or force that we employed in 2002 or during the surge in 2007. But they also understand that the lack of decisive and sustained action in both Iraq and Syria will limit our options to defeat ISIL, short of a massive U.S. ground force. The "confidence" they seek is that the President has the will to do what is necessary to complete the mission this time.

Lastly, as discussions move forward between the White House and Congress regarding an AUMF against ISIL, we strongly recommend the President reconsider his position that he, "... will not sign laws designed to expand this mandate [the 2001 AUMF] further." Americans

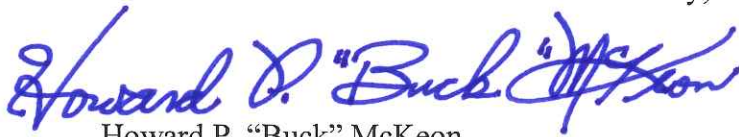
Ambassador Susan E. Rice

September 25, 2014

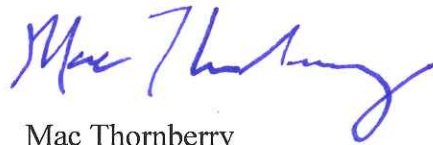
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need not worry that Congress is predisposed to provide any President with unlimited authority to use military force. On the other hand, it should be apparent in light of your reversal on the need for the 2002 AUMF, as well as the Administration's less public reversal on the applicability of the 2001 AUMF to ISIL, that as al Qaeda and other global jihadist movements morph, the Commander in Chief and the representatives of the American people should speak with one voice on the need to defeat this evolving threat, using all elements of national power. An AUMF too narrowly construed, that provides a playbook to the enemy on how to avoid pressure from the United States, is self-defeating. There is an appropriate balance to be struck, be it in a carefully crafted augmentation of the 2001 AUMF or in a new AUMF. What is certain is that the Administration's calls for repeal of the very tools the President is relying upon to keep Americans safe must come to an end.

Sincerely,

A handwritten signature in blue ink that reads "Howard P. 'Buck' McKeon". The signature is stylized with a large, sweeping "H" and a cursive "McKeon".

Howard P. "Buck" McKeon
Chairman

A handwritten signature in blue ink that reads "Mac Thornberry". The signature is written in a cursive, flowing style.

Mac Thornberry
Vice Chairman

HPM/WMT: jbs